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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,320	08/31/2000	Mayur Maniar	5793.3031	3899

22852 7590 01/21/2004

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EXAMINER
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BAYAT, BRADLEY B

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/651,320

Applicant(s)

MANIAR ET AL.

Examiner

Bradley Bayat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

Applicant has amended claims 1, 12, 17, 19 and 21 in the amendment dated October 16, 2003. Claims 1-29 are again presented for examination on the merits.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 5-13, 15-22, and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flaig et al. (hereinafter Flaig), U.S. Patent 6,488,206 B1 in view of Hall, III et al., (hereinafter Hall) U.S. Patent 6,158,657.**

As per claims 1, 12, 17, 19 and 21, Flaig discloses a method for providing a credit card product, said method comprising: sending an applicant a credit card that has not been activated (column 1, lines 10-34); requiring the applicant to answer at least a first risk-splitting question and a second risk-splitting question, the second risk splitting question being based on a reply to the first risk splitting question (figures 2 and 3 and associated text; column 5, lines 18-50); and activating the credit card with the credit limit (figures 2 and 3 and associated text; column 5, line 51 – column 6, line 44). Flaig does not explicitly teach the determination of a credit limit based

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on the applicant's answers to risk-splitting questions. Hall, however, teaches that the determination of a credit limit is typically based on several factors, the most important of which are the applicant's credit history and earning capacity (column 1, lines 33-41). Hall is evidence that one of ordinary skill in the art would recognize that a cardholder's credit limit is based on applicant's answers to certain relevant financial questions that determine the cardholder's "spending power." Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include such "risk-splitting" questions in processing, determining and activating a credit card product, as per teachings of Hall.

As per claims 2 and 22, Flaig discloses a method for providing a credit card product, said method comprising: sending an applicant a credit card that has not been activated (column 1, lines 10-34); requiring the applicant to answer at least a first risk-splitting question and a second risk-splitting question, the second risk splitting question being based on a reply to the first risk splitting question (figures 2 and 3 and associated text; column 5, lines 18-50); and activating the credit card with the credit limit (figures 2 and 3 and associated text; column 5, line 51 – column 6, line 44). Flaig does not explicitly teach a method wherein sending a credit card that has not been activated depends on prior approval based on credit bureau information. Hall, however, teaches that the sending of a credit card that has not been activated depends on prior approval based on credit bureau information (figures 4,5 and associated text). Hall is evidence that one of ordinary skill in the art would recognize that a cardholder's preliminary approval for a credit card product is based at least in part on the applicant's credit history. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to verify the cardholder's credit history prior to sending a credit card, as per teachings of Hall.

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As per claims 5 and 24, Flaig discloses a method wherein said requiring applicant to answer risk-splitting questions invites the applicant to telephone an issuer and activate the credit card by telephone (column 1, line 40-52).

As per claims 6 and 25, Flaig discloses a method wherein a live person posing the risk-splitting questions to the applicant and translating those answers into a standardized format (column 2, lines 8-18).

As per claims 7 and 26, Flaig discloses a method wherein a voice recognition unit (VRU) posing the risk-splitting questions to the applicant and requiring that the applicant answer in a standardized format (column 3, lines 30-63).

As per claims 8, 15 and 27, Flaig discloses a method wherein further comprises a means for confirming the applicant's answers to the risk-splitting questions (columns 3-4).

As per claims 9, 16 and 28, Flaig discloses a method for providing a credit card product, said method comprising: sending an applicant a credit card that has not been activated (column 1, lines 10-34); requiring the applicant to answer at least a first risk-splitting question and a second risk-splitting question, the second risk splitting question being based on a reply to the first risk splitting question (figures 2 and 3 and associated text; column 5, lines 18-50); and activating the credit card with the credit limit (figures 2 and 3 and associated text; column 5, line 51 – column 6, line 44). Flaig does not explicitly teach a method wherein determining the applicant's credit limit comprises of combining credit bureau information and the applicant's answers to the risk-splitting questions. Hall, however, teaches a method wherein determining the applicant's credit limit comprises of combining credit bureau information and the applicant's answers to the risk-splitting questions (column 1, lines 33-41; figures 4,5 and associated text). Hall is evidence that

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one of ordinary skill in the art would recognize that a cardholder's credit limit is based on applicant's answers to certain relevant financial questions that determine the cardholder's "spending power." Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include "risk-splitting" questions beyond that of credit history in processing, and determining a cardholder's credit limit, as per teachings of Hall.

As per claims 10, 18, 20 and 29, Flaig discloses a method for providing a credit card product, said method comprising: sending an applicant a credit card that has not been activated (column 1, lines 10-34); requiring the applicant to answer at least a first risk-splitting question and a second risk-splitting question, the second risk splitting question being based on a reply to the first risk splitting question (figures 2 and 3 and associated text; column 5, lines 18-50); and activating the credit card with the credit limit (figures 2 and 3 and associated text; column 5, line 51 – column 6, line 44). Flaig does not explicitly teach a method of factoring in external data into the determination of applicant's credit limit. Hall, however, teaches a method of factoring in external data into the determination of applicant's credit limit (column 1, lines 33-53; figures 4, 5 and associated text). Hall is evidence that one of ordinary skill in the art would recognize that a cardholder's credit limit is based on applicant's answers to certain relevant financial questions that determine the cardholder's "spending power." Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include certain "risk-splitting" questions in processing and determining a cardholder's credit limit, as per teachings of Hall.

As per claim 11, Flaig discloses a method for providing a credit card product, said method comprising: sending an applicant a credit card that has not been activated (column 1, lines 10-34); requiring the applicant to answer at least a first risk-splitting question and a second

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risk-splitting question, the second risk splitting question being based on a reply to the first risk splitting question (figures 2 and 3 and associated text; column 5, lines 18-50); and activating the credit card with the credit limit (figures 2 and 3 and associated text; column 5, line 51 – column 6, line 44). Flaig does not explicitly teach a method wherein said activating the credit card comprises cross selling at least one other product based upon the applicant's answer to risk-splitting questions. Hall, however, teaches a method wherein said activating the credit card comprises cross selling at least one other product based upon the applicant's answer to risk-splitting questions (column 9, lines 5-15). Hall is evidence that one of ordinary skill in the art would recognize that upon qualifying and determining the type of credit card product to offer a cardholder, other potential offers or solicitations can be made to the cardholder. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include solicitations to cross sell other products upon qualifying and initiating the cardholder, as per teachings of Hall.

As per claim 13, Flaig discloses a method wherein said means for requiring the applicant to answer risk-splitting questions comprises means for answering and activating the credit card via the Internet (column 3, lines 30-63).

**Claims 3-4, 14, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flaig et al. (hereinafter Flaig), in view of Walker et al. (hereinafter Walker), U.S. Patent 6,088,686.**

As per claims 3-4, 14, and 23, Flaig discloses a method for providing a credit card product, said method comprising: sending an applicant a credit card that has not been activated (column 1, lines 10-34); requiring the applicant to answer at least a first risk-splitting question

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and a second risk-splitting question, the second risk splitting question being based on a reply to the first risk splitting question (figures 2 and 3 and associated text; column 5, lines 18-50); and activating the credit card with the credit limit (figures 2 and 3 and associated text; column 5, line 51 – column 6, line 44). Flaig does not explicitly teach the limitation of assigning a temporary credit limit based on credit bureau information without the applicant's knowledge. Walker teaches the limitation of pre-determined credit qualified offer amounts based upon applicant's credit bureau information (column 6, lines 25-37; columns 11-12). Walker further teaches the use of numerous external data apart from credit bureau information to determine credit worthiness (columns 15-17). Walker is evidence that one of ordinary skill in the art would recognize the benefit of a pre-approved or temporary credit limit for credit worthy consumers. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a typical time consuming credit application approval process with a temporary pre-approved credit limit for credit worthy consumers, as per teachings of Walker.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be



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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

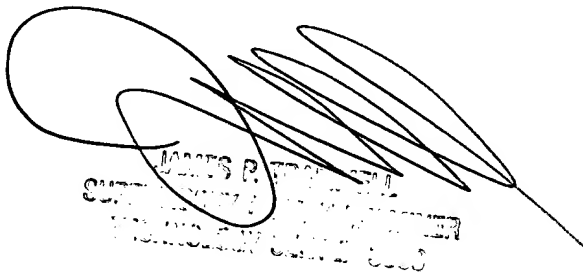
- US 6,604,090 B1 to Tackett et al.
- US 6,636,833 B1 to Flitcroft et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached Tuesday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6128 for regular communications and 703-746-6128 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.

bbb  
January 9, 2004



A handwritten signature in black ink is written over a rectangular official stamp. The stamp contains the text "JAMES P. BAYAT" and "SUPERVISOR" in a bold, sans-serif font. Below the signature, the date "JANUARY 9, 2004" is printed in a smaller font.